



City of Carmel

CARMEL PLAN COMMISSION SEPTEMBER 20, 2005

Minutes

The regularly scheduled meeting of the Carmel Plan Commission met at 6:00 PM on September 20, 2005 in the Council Chambers of City Hall, Carmel, Indiana. The meeting opened with the Pledge of Allegiance.

Members present: Jerry Chomanczuk; Leo Dierckman; Dan Dutcher; Wayne Haney; Kevin Heber; Mark Rattermann; Rick Ripma; Madeleine Torres, thereby establishing a quorum.

Department of Community Services Staff in attendance: Matt Griffin; Adrienne Keeling; Mike Hollibaugh, Director. Also in attendance: John Molitor, Legal Counsel

The minutes of the August 16, 2005 meeting were approved as submitted.

Matt Griffin announced that Items 2H, 3I, and 6I have all been continued to October 18, 2005 at 6:00 PM.

H. Public Hearings:

1H. Docket No. 05080006 DP/ADLS: Home Place Second, lots 256-258 & 247-248 (Weihe Engineers)

The applicant seeks building addition and site expansion approval.

The site is located at 10505 N College and is zoned B-1/Business within the Home Place Business Overlay.

Filed by Mark Swanson Associates for Weihe Engineers.

Mark Swanson of Mark Swanson Associates appeared before the Commission representing the applicant. Also in attendance: Dennis Lockwood, Swanson & Assoc., Alan Weihe, Weihe Engineers, Pat Sheehan and Jamie Shinamen, Civil Engineers.

The petitioner is proposing an addition to the existing building located at 10505 North College. The Property is zoned B-1/Business and is within the Home Place Business Overlay. Weihe Engineers has been doing business at this location since 1972.

This project underwent Technical Advisory Committee review and preliminary meetings with the

DOCS Staff. The Urban Forester has approved the landscape plan, however, currently, the Urban Forester is in discussion with the Highway Dept. regarding one issue; a reply should be forthcoming from the Surveyor's Office, and the petitioner is in the process of submitting bond applications to the Highway Department.

The east elevation of the building will remain intact as will the south elevation. The north elevation to the building will be covered by the additions being proposed to the project. The west elevation shows the addition to the building; the addition is 7600 square feet, two stories. The north elevation is a mirror image of the south elevation of the existing building. The addition will consist of the same materials and structure as the existing building—a steel frame structure, concrete, four floors, and stone masonry on the exterior. The north elevation will primarily be stone and glass in glazing, just as the south elevation is of the existing building.

The only signage being added is the name “Weihe Engineers.” The address, “10505” already exists and will remain.

The exterior lighting photometrics were included in the informational packets as well as the exterior lighting cut sheets.

The landscape plan was submitted to the City Urban Forester and at this time, it has been approved.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Report, Matt Griffin. There are no additional comments at this time. The Department is recommending this item be forwarded to the October Committee for further discussion.

Mark Rattermann noted that currently there is parking on the gravel on the lot just north of at this site. Does Weihe own the parcel to the north and is it included with the subject parcel?

Mark Swanson responded that the parcel to the north is actually the location of the proposed addition. Additional parking will be created to the east of the building. The Ordinance requires one space per 1,000 square feet; however, a total of 69 spaces—40 are proposed with the addition and there are 29 existing spaces.

Docket No. 0508 0006 DP/ADLS, Home Place Second, Lots 256-258 & 247-248 (Weihe Engineers) was forwarded to the Special Studies Committee for further review on Tuesday, October 4, 2005 at 6:00 PM in the Caucus Rooms of City Hall.

2H. Docket Nos. 05080009 SP & 05080010 DP: Carmel Science & Tech Park, blk 7

The applicant seeks approval for a development plan and 5 new lots.

The site is located southeast of Carmel Dr & Adams St and is zoned M-3/Manufacturing.

Filed by Mike DeBoy of DeBoy land Development Services, Inc.

CONTINUED TO OCTOBER 18, 2005

3H. Docket No. 05080011 DP/ADLS: Meridian Corporate Plaza

The applicant seeks approval for the site plan and buildings. The site is located at 401 Pennsylvania Pkwy and is zoned B-5 & B-6/Business within the US 31 Overlay. Filed by Fred Simmons of Simmons Architects, LLC for MCP Partners, LLC.

Taggart Birge, Vice President of Industrial Development for Lauth Property Group appeared before the Commission representing the applicant. Also in attendance: Fred W. Simmons, architect, 305 East New York Street, Indianapolis. Development Plan Approval is being requested for the entire parcel, including Building 2 that is immediately to the north of the existing Lauth Headquarters as well as Building 3 immediately to the east of the Lauth Headquarters. The property is bounded to the north by Pennsylvania Parkway, College Avenue to the East, and I465 to the south.

The petitioner will be appearing before the Board of Zoning Appeals for several variances for this project.

Both buildings 2 and 3 are contemplated to be 4 stories in height, constructed using architectural pre-cast, a curtain wall system, and bronze glass. Brick is not being used for this particular development because the petitioner believes that the architectural pre-cast is better and more timely in the overall design.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments, Matt Griffin. The Department is recommending that this item be forwarded to the October 4, 2005 Special Studies Committee.

Dan Dutcher noted the Department's concern regarding the path and where it ties in.

The petitioner said he was in the process of studying the tie-in of the path and would get back with the Department.

Docket No. 05080011 DP/ADLS, Meridian Corporate Plaza was referred to the Special Studies Committee for further review on October 4, 2005 at 6:00 PM in the Caucus Rooms of City Hall.

4H. Docket No. 05080016 PP, 05080017 SW, and 05080018 SW: Windsor Grove 2

The applicant seeks to plat 30 lots on 30.056 acres with the following subdivision waivers:

Docket No. 05080017 SW: 6.03.19 – Access to Arterials, Parkways, and Collectors

To seek relief from houses fronting collector streets/200 foot required separation from collector streets.

Docket No. 05080018 SW: 6.03.21 – Points of Access

To seek relief from providing 2 points of access into the subdivision.

The site is located at 3105 106th St. West and is zoned S1.

Steve Wilson, developer, Keystone Way, Carmel appeared before the Commission representing the applicant. Section 2 of Windsor Grove is located at 3105 West 106th Street—30 lots on 30 acres—and zoned S-1 Residential. The price range is from \$900,000 up to over one million dollars. The proposed development will have access via an existing stub street; two cul-de-sacs will be installed. The privacy wall constructed for Windsor Grove I along 106th Street with landscaping will be continued in phase II of Windsor Grove.

Members of the public were invited to speak in favor of the petition; no one appeared. Members of the public were invited to speak in opposition to the petition; the following appeared:

Remonstrance/Organized/Unfavorable

Jeff Scripture, attorney, Harrison & Moberly, 11611 North Meridian Street, Carmel appeared before the Commission representing a number of homeowners. Mr. Scripture referred to a letter sent to the Commission with a petition signed by the homeowners.

Currently, Section I of Windsor Grove is an up-scale community of approximately 36 homes. Probably not one of the 36 homeowners envisioned a new section being added to Windsor Grove such as is proposed. Certainly no one had any idea that the sole access point would be connected to Titan Run that is currently a very nice residential lane. Access is proposed through Section I of Windsor Grove.

The neighbors feels that there is plenty of frontage along 106th Street to do both access points that would be required. There is no objection to the use of this property as proposed, but as it relates to access, the adjoining property owners see no reason to grant any special waiver of the access requirement. The neighbors feel that access along 106th Street would be more appropriate than running the traffic for another 30 home sites through the Titan residential lane. Also, a retention pond is proposed behind a number of the homes in Section I and the plan should be reviewed in this regard.

In short, the plan as proposed is not consistent with the number of Indiana Ordinances regarding Sub-division Development as well as requirements of the City and County.

General Public/Unfavorable

Pat Stahler, 2944 Towne Road, Pine Lake Estates, south of the proposed development had questions regarding plans for the sanitary sewer. Ms. Stahler is sandwiched between Windsor Grove I and the proposed Section II and is being asked for right of way for the sewer main. There is also a question regarding buffer/screening in the form of trees or privacy plantings.

Gary Weiss, 10555 Greentree Drive, Annally Downs to the west of the proposed development, had questions regarding privacy. There is a mound along the western edge of the property that was installed when the existing lake was put in several years ago. Mr. Weiss said he is concerned about the landscaping and the effect of earth moving and the construction of another retention pond on the water table. Mr. Weiss is currently on a private well. Is anything proposed along the western edge? Mr. Weiss is not in favor of additional access from Section II into Section I along Greentree Drive.

The public hearing was closed.

Rebuttal: Mr. Wilson said that when Windsor Grove I was constructed, they were required to provide a stub street into the vacant land, knowing that it would be developed. The covenants and restrictions provide for access via a stub street. The existing lake was installed by the previous landowner. The Carmel Fire Dept. is satisfied with the proposed site plan.

Mr. Wilson stated that there is a drainage utility easement/sewer between two lots that go to Towne Lake—Clay West District—and Regional Waste—and would hook into Towne Lake. The petitioner is trying to get an additional easement for construction purposes only to install the sewer. Regarding the mounding area, Mr. Wilson said he would be glad to look at that. This site is the opposite end of Annally Downs and should not interfere with the water table.

Department Report, Matt Griffin. The Department is not in support of the relief from the Points of Access waivers. Both Hamilton County Highway and the Department feel that it makes more sense to make the connection on 116th across from Kings Mill if at all possible with the lake there; it makes more sense from a traffic circulation standpoint as well as safety. The Fire Dept. has said they can fight fires effectively with the configuration as proposed, but their first preference is obviously another point of access into this site. If the petitioner does not make the connection, they would need to request another waiver from cul-de-sac length and that would be before the Plan Commission next month. The Department is also waiting to see additional details to be reviewed at the Committee. The Department is recommending this item be sent to the October 4th Subdivision Committee for additional comments and discussion.

Dan Dutcher said he expected to see significant landscape and screening along the west and southern borders for the benefit of the neighbors. It is appropriate to note, for the benefit of the neighbors, that anytime there is a stub street, it would suggest that additional development will likely occur. Dan asked that the petitioner comment on the proposed use of greenspace—there is no walking path seen or any tie between the two sections and greenspace seems to have a very limited, recreational benefit.

Steve Wilson said the lake is existing; there will be a walking path through the common area and an off-set in the brick wall to the path along 106th Street. The walk will go around one side of the lake and connect to the walks around the subdivision. Mr. Wilson said he would show the path in detail at Committee.

Jerry Chomanczuk asked that the water table situation be looked into by the Department.

Docket No. 05080016 PP, and Subdivision Waivers Nos. 05080017 SW and 05080018 SW, Windsor Grove 2 were forwarded to the Subdivision Committee for further review at 6:00 PM on October 4, 2005 in the Caucus Rooms of City Hall

5H. Docket No. 05080021 PP Amend: Kendall Wood

The applicant seeks to plat 15 lots on 12.045 acres with the following subdivision waivers:

Docket No. 05080022 SW: 6.03.19 – Access to Arterials, Parkways, and Collectors

To seek relief from houses fronting collector streets/200 foot required separation from collector streets.

The site is located at the NW Corner of W. 121st St. and Shelborne Rd and is zoned S1 (ROSO).

Filed by Brian Robinson of Stoeppelwerth and Assoc. for Steve Wilson Inc.

Steve Wilson, developer, Keystone Way, Carmel appeared before the Commission representing the applicant. The proposal is for a 15-lot subdivision at the northwest corner of West 121st Street and Shelborne Road. The site is zoned S-1/Residential.

The project will consist of mounding along Shelborne Road, a lake along West 121st Street, a fence along the property line, and additional landscaping.

The homes in this development will be brick on the first floor, and some two-stories will have brick in the gable area.

Members of the public were invited to speak in favor of or opposition to the petition; the following appeared:

General Public Comments/Unfavorable

Jeff Kimball, 3940 West 121st Street objected to granting the waiver from houses fronting collector streets/200-foot required separation from collector streets. There are a number of homes in this area, private residential development, and there is not a single property that has been granted a waiver to this Ordinance requirement.

Michael Pritz and wife, Edmay, 3930 West 121st Street, said he attended the initial hearing for the Windsor Grove Primary Plat but had not seen any drawings for the Amendment to the Plat except for the time they were displayed on the overhead. Mr. Pritz wanted to know how many homes would be bordering his property, where the retention pond would be located, and how that will affect the drainage of the water. Mr. Pritz stated that in preparation for the proposed development, he had already installed wooden fencing and some of the trees shown on the initial request for the Primary Plat were trees that are actually on his property. Mr. Pritz thought the tree situation should be looked into by the urban forester. Mr. Pritz was concerned about the impact of the proposed development on his property and also questioned a pipeline (sewer/water) that was to run from Pulte to the proposed Kendall Estates.

The public hearing was then closed.

Steve Wilson said that the waiver for the 200-foot required separation affects two locations—one off 121st Street west of the pond; the other is off Shelborne Road, south of the entrance to Kendall Wood. There is one entrance off Shelborne Road—nothing off of 121st Street. The “pipeline” referred to is probably the sewer line that would handle other future development is coming from Long Branch Subdivision. The petitioner will be checking with Clay Regional Waste District regarding the layout of the sewer.

Regarding the fence, there is a wooden fence on the Pritz property; and any fencing on Kendall Wood would not come close to the Pritz's property. In regard to the tree line, Mr. Wilson said they would be saving as many trees as possible.

Department Comments, Matt Griffin. As mentioned earlier, this item originally came before the Plan Commission for final approval in January, 2005. At that time, there were two commitments made and those are reflected in the Dept. Report. The Department is recommending this item be forwarded to the Subdivision Committee.

Dan Dutcher asked for a summary of the differences in the proposed plan and the initial plan. Dan also asked the petitioner to bring the original design with him to the Committee meeting.

Steve Wilson responded that the option he had on the property to the north expired and another developer has picked up those six acres. This proposal is a re-design issue, now on 12 acres rather than 18 acres.

Docket No. 05080021 PP Amend, Kendall Wood was referred to Subdivision Committee for further review at 6:00 PM on October 4, 2005 in the Caucus Rooms of City Hall.

6H. Docket No. 05080019 DP/ADLS: Boardwalk Shops

The applicant seeks to create 2 structures (1 retail, 1 office) on 2.63 acres.

The site is located at the NE corner of Carmel Dr. and Adams Street and is zoned M3 – Manufacturing.

Filed by Adam DeHart of Keeler Webb Associates for C and L Management, Inc.

Adam DeHart, Keeler, Webb Associates, 486 Gradle Drive, Carmel appeared before the Commission representing the applicant. This particular property is in the process of being purchased by C & L Management. Two structures are proposed on the site—one retail, one office.

Mr. Charles Keyes will be relocating a store to this site that was operated out of the old O'Malia Center on Range Line Road. The store will be a "wine center," two stories with a wine-tasting room upstairs and special, planned events. There will also be a smaller building on the site.

The site has several constraints and the petitioner is trying to work with the overall concept of the City Center buildings and the Park Place Center buildings.

A single entrance is proposed on Adams Street that will have the same look and feel as the Park Place Center entrance monument. Likewise, the lighting and signage to the front of the building will be also be similar. The signage will be on the face of the building for wall tenant signage and the petitioner will comply with the Carmel Sign Ordinance. The petitioner is also willing to commit to a standard color and the sign will be internally lit.

There is an existing landscape mound along the north property line that will be supplemented with a retaining wall constructed of architectural keystone-type blocks. There will also be additional landscaping on top of the mound to meet the requirements of the City Urban Forester.

This particular design allows the service areas to be located at the back corner that is out of view from the general public. A small service corridor has been created that is completely hidden from the public either by the building itself or the retaining wall and landscaping planned on the north property line.

The parking lot has been designed in such a manner so that it directly integrates with the office project. Both the owner of Park Place Center, Frank Cosmos, and this petitioner are looking forward to this project. The petitioner is continuing to work with Mr. Cosmos on minor development details and to ensure that parking is effective.

Construction materials include a brick structure with accents of cast stone around the bottom and EFIS around the top. Also included is the fencing along the top of the façade that will match the City Center building. The building has been designed in such a manner that when looking at the large building, one would see 5 different building storefronts, even though it is one structure.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments, Matt Griffin. This is an interesting site that needs extreme detail consideration. The property is just south of the Old Meridian District and not within the District. However, it is adjacent to Arbor Drive that will plug directly into the Grand Boulevard—the large spine through the Old Meridian District. To the north are several thousand residents and apartments and there will be even more south of the Grand Boulevard in Old Meridian when traditional townhomes and apartments are built according to the master plan. Special attention should be given as to how this site interacts with the residents to the north so that they are more integrated and pulled into this space. It is also good to note that the southeast property at Adams and Carmel Drive will be before the Commission in the near future with office and/or retail use. There is an opportunity here to coordinate these two projects and bring a high profile product to the area. This can also act as a gateway into the Old Meridian District.

The Department is recommending that this item be sent to the Special Studies Committee for further discussion. At the Committee level, we would like to see what potential re-design options there are for this site and how the petitioner's needs as well as the City's needs could be accommodated as well. The Department would like to see some resolution on this site regarding access points. If the site remains as currently shown, Engineering has some issues with the additional cut on Adams Street and would prefer to see access at the point of the current curb cut on Adams.

Leo Dierckman commented that there seemed to be a lot going on with the building—too decorative at the roofline, the multiple colors, awnings, it all adds to make the building look too busy.

Mark Rattermann was concerned about the building elevation—can't tell the back from front—and where it lies with Carmel Drive. The building seems very dense and a lot on the site.

Wayne Haney noted that the footprint on the plot plan does not seem to match the elevations.

Jerry Chomanczuk commented that the petitioner does not seem to be in step with what the City has been doing with its Urban Design and referred to a project at Main and Guilford as an example. As designed, this building will have very prominent parking in a critical part of Carmel Drive. The Committee would like to see some additional versions with additional thought given to the placement of the building.

Kevin Heber thought that perhaps Adams Street should be emphasized more prominently and emphasis on the pedestrians on the Adams Street side. The parking should be to the rear the strip should be broken up either into an “L” shape or even two separate structures. Two stories with apartments on the second floor would be good. The project does need to tie in—physically, logically, aesthetically—with The Arbors and the Providence apartments. The pond is walled off and it may be better to integrate it into a fully-functioning “town.”

Docket No. 05080019 DP/ADLS, Boardwalk Shops was forwarded to the Special Studies Committee for further review at 6:00 PM on October 04, 2005 in the Caucus Rooms of City Hall.

7H. Docket No. 05090001 OA: Parking Ordinance Amendment

The applicant seeks to amend the Zoning Ordinance, *Chapter 27: Additional Parking & Loading Regulations*, in order to modify parking standards.
Filed by the Carmel Department of Community Services.

Adrienne Keeling, Department of Community Services. Adrienne explained the proposed amendments to the Parking Ordinance—one is to the auto parking standards; the other incorporates bicycle parking standards.

The Amendment introduces and recognizes the need for shared and on-street parking. The existing Ordinance does recognize shared parking and the Amendment will strengthen and clarify those standards. A parking dimensions table is being introduced as well as a diagram to match to make it more clear to developers and anyone using the Ordinance how the standards are applied.

Standard Zoning Waiver language is also being added that will allow a little flexibility with the parking standards and bring it before this Commission rather than the Board of Zoning Appeals for more reasonable changes and relaxation of the Ordinance. There is also a parking calculation table that outlines how many spaces per use. The main point is to re-organize the table so that the uses listed match the uses listed in the Use Table.

The Bicycle Parking language is completely new.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Docket No. 05090001 OA, Parking Ordinance Amendment Referred to Special Studies Committee for further review at 6:00 PM on October 04, 2005 in the Caucus Rooms of City Hall.

8H. Docket No. 05090002 OA: ROSO Repeal

The applicant seeks to Repeal the Subdivision Control Ordinance, *Chapter 7: Open Space Standards for Major Subdivisions (ROSO III)*, in order to repeal the ROSO subdivision standards.

Filed by the Carmel Department of Community Services.

Adrienne Keeling, Department of Community Services appeared before the Commission representing Petitioner. This ROSO Repeal Amendment is being sent to the Commission by the Carmel City Council due to some concerns with density within the Township.

Through additional discussions, there are some solutions to the concerns expressed by the Council without entirely repealing the Ordinance. Currently, the recommendation is for this item to be reviewed by the Subdivision Committee.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Mark Rattermann commented that an historical analysis was to be made of all of the subdivisions utilizing ROSO and how those have been platted. Some people were mistaking density/open space with the types of homes that were being built.

Jerry Chomanczuk commented that there is so much more to this Ordinance than just density issues—There are FEMA requirements, tree preservation, open space, wellhead protection areas—a tremendous amount of good things. Jerry Chomanczuk asked that the Committee be aware of those things and approach this on a singular basis.

Docket No. 05090002 OA, ROSO Repeal was referred to the Subdivision Committee for further review on October 04, 2005 at 6:00 PM in the Caucus Rooms of City Hall.

I. Old Business:

1I. Docket No. 050300019 PP: West Clay Colony

The applicant seeks to plat 23 lots on 40 acres.

Docket No. 05060054 SW: 6.05.07 Orientation of Home

To allow homes to face internal streets.

The site is located at the NE corner of Hoover Road and W. 116th Street and is zoned S-1 (Residential).

Filed by Michael DeBoy.

Michael DeBoy, DeBoy Land Services, 501 South 9th Street, Noblesville appeared before the Commission representing the applicant. The Primary Plat and Subdivision Waiver were reviewed by the Subdivision Committee on August 2, 2005 and received a 4-0 positive recommendation conditioned upon 5 commitments being made by the petitioner.

Those 5 commitments are as follows: 1) Commitment to a 10-foot multi-use recreational path along 116th Street and a 6-foot sidewalk and shared bike path along Hoover Road, both to be constructed

when the development is constructed. 2) Approval of the landscape plan by City Urban Forester Scott Brewer. 3) Review to the Department's satisfaction of elevations for 116th Street and Hoover Road. 4) Architectural commitments for the lots that are subject to the Subdivision Waiver request, including brick wrap, brick chimney chase, and at least 3 backyard trees per lot. 5) Preservation of the lake in common area number 2.

Scott Brewer, the City Urban Forester, has approved the landscape plan for this Development. At this time, the petitioner presented elevations of the subdivision from Hoover Road and 116th Street.

Committee Report, Rick Ripma. This item was sent back to Committee on September 6th for additional review of the landscape plan. The landscaper had failed to submit drawings. All of the other items as far as the walking paths, etc. were covered in commitments from the petitioner.

Department Report, Matt Griffin. The Department is recommending approval of the Primary Plat and Waiver Request as forwarded by the Subdivision Committee, subject to the recordation of the five listed commitments.

Dan Dutcher made formal motion to approve **Docket No. 050300019 PP: West Clay Colony, and Docket No. 05060054 SW, 6.05.07 Orientation of Home, together with** the 5 listed commitments intact, seconded by Rick Ripma, **APPROVED** 8-0.

2I Docket No. 05060038 PP Amend and 05060039 SP: Little Farms Addition, Lots 31-33 (Replat of)

The applicant seeks approval to replat 9 lots on 2.25 acres:

The site is located at the northwest corner of Ethel Street and West 104th Street.

The site is zoned R-3/Residence within the Home Place Overlay.

Filed by Chris Badger of Badger Engineering & Associates.

Chris Badger, Badger Engineering, 117 West Elm Street, Lebanon, 46052 appeared before the Commission representing the applicant. The petitioner appeared before the Board of Zoning Appeals and received approval for a setback variance. As a corollary, the complaint has been dropped as well.

At the Subdivision Committee meeting on September 6, 2005, the petitioner agreed to three commitments as follows: 1) All front elevations shall be 50% brick. 2) The elevation along the east side that faces Ethel Avenue shall be 50% brick exterior. 3) The Subdivision Homeowners are responsible for the regular upkeep and maintenance of the alley through a budgeted maintenance agreement that will provide access for fire equipment—the agreement will be a part of the covenants as well.

The petitioner has agreed to an easement and has also agreed to stay out of the adjacent property as well. The petitioner will connect to a different drain. All of the improvements will be bonded.

Committee Report, Rick Ripma. The Subdivision Committee had looked at the drainage issue and they are satisfied with the resolution. The Committee had some issues regarding the pavers because

of the maintenance factor. The petitioner agreed to set up a Homeowners Association or at least a budget to provide for fees to maintain the grass cutting. The Committee voted 4-0 to recommend approval.

Department Report, Matt Griffin. The Department is recommending approval as forwarded by the Subdivision Committee on September 6, subject to the recording of the three commitments as previously specified.

Mark Rattermann moved for approval of **Docket No. 05060038 PP Amend and 05060039 SP, Little Farms Addition, Lots 31-33 (Replat of) conditioned upon** the three commitments as previously specified, seconded by Rick Ripma, **APPROVED** 8-0.

3I. Docket No. 05060040 Z and 05060041 ADLS: 116th and College PUD

The applicant seeks to rezone 12.4 acres from R1/Residential and B6/Business to PUD/Planned Unit Development for the purpose of creating a mixed use development comprised of townhome, retail, and office uses.

The site is located at NE corner of 116th Street and College Ave.

Filed by Timothy Ochs of Ice Miller for Equicor Development Inc.

CONTINUED TO OCTOBER 18, 2005

4I. Docket No. 05060042 DP Amend/ADLS: Carmel Science & Tech. Park, Blk 11

The applicant seeks approval for a medical office building.

The site is located at the SW corner of Carmel Dr. and Guilford Rd. and is zoned M-3/Manufacturing.

Filed by Mary Solada of Bingham McHale.

Mary Solada, attorney with Bingham, McHale appeared before the Commission representing the applicant. Also in attendance: Ross Boyer, Bremner Health Care.

The proposed medical office building is located at the southwest corner of Carmel Drive and Guilford Road and is zoned M-3/Manufacturing. The building is derived from an approval given last fall for a site at 106th & Michigan Road. The building proposed for Carmel Drive will virtually be identical. The building will be approximately 40,000 square feet and multi-tenant. There is a retention pond at the east end of the property. A portion of this parcel at the northwest section will be set aside for future development by Bremner.

Whatever access points described this evening will serve the parcel to the northwest. As a part of the record, the petitioner will not return to ask for a different access. The building has been slightly pivoted to the north and northeast. Originally the building was running lengthwise, north to south, but the slight pivot is good because it better orients the building to the attractiveness of the pond and to Carmel Drive.

The petitioner is seeking some minor variations from the Sign Ordinance and will be appearing before the Carmel Board of Zoning Appeals Monday, September 26th.

The Special Studies Committee accepted and supported this project, but questioned the access point. Through an agreement with Mike McBride, City Engineer, the petitioner will be granted full access; the petitioner will then make a contribution to the City for their share of improvements on Guilford Road that are necessary as a result of all of the new development, approximately \$100,000. How this site lays out has been analyzed by the Engineer's office.

The west end of the site contains a secondary access point that will require an easement across the property to the west; the access will be right in/right out only onto 122nd Street and is supported by the Carmel Engineer. The last point is for full access onto Carmel Drive.

A memorandum from the Assistant City Engineer was distributed that described why they are supporting this curb cut. The parcel to the northwest will utilize this curb cut if so approved. The request to go forward with a full curb cut is not one taken lightly and it has been thought through taking into account input received at public hearing and the Committee meeting. The primary tenant and some of the other tenants at Bremner Health Care really feel it is necessary to have a full cut.

Again, the petitioner is working closely with the Engineer's office regarding the other curb cuts, particularly the accommodation on Guilford. As to Carmel Drive, the petitioner understands that at some point in the future, depending on what happens on Carmel Drive in the future, the full access may be limited to right in/right out and if that is what happens five years from now, we will abide by that. The City Engineer's Office is supportive of the proposed plan and the petitioner is moving forward based on traffic counts known today. There is substantial distance between the proposed cut and Guilford Road and this meets all safety standards and Engineering recommendations.

Again, the petitioner understands that there may be a median installed in the future and if that occurs, the petitioner will not contest and no suit would be filed if a median were installed.

Special Studies Committee Report, Jerry Chomanczuk: Mary Solada has pretty much summed up the review by the Committee. The proposed building is a wonderful use and good design—no argument there. The crux of the matter on this project was access to the site. There are three access points proposed. The Committee had no problem with the access on 122nd Street or on Guilford; however, the Committee voted 2-2 no decision. The concern was a full access where people could cross over and make a left turn. The Committee requested that the City Engineer commit to a full statement of recommendation as to how to address the access issue. There are no problems with the Guilford or 122nd Street curb cuts; however, with Carmel Drive, it would seem that the Engineering Department has a foot in both camps—in other words, allow it but wait and see how things develop in the future and then possibly restrict it.

Department Report, Matt Griffin. As stated several times, the only outstanding issue with this site is this one access point. A letter was received this afternoon from the Engineering Dept and the situation was discussed thoroughly with the Dept Director. The Department is defaulting to the Engineering Dept. The letter pretty much states that allowing full access will not do any substantial damage or danger to this road segment; however, as the parcel develops in the future, Engineering

would certainly consider installing a median at this location and restricting full access when the situation warrants

Mary Solada reiterated that if a median is proposed, the petitioner will not file suit or claim any sort of taking; the petitioner does have a right to discuss it.

Mark Ratterman made formal motion for approval of **Docket No. 05060042 DP Amend/ADLS: Carmel Science & Tech. Park, Blk 11**, seconded by Jerry Chomanczuk. The vote was 6 in favor, 2 opposed (Ripma and Torres) **MOTION APPROVED.**

5I. Docket No. 05060043 PP: Laurel Ridge

The applicant seeks approval to plat 17 lots on 47.12 acres with the following Subdivision Waivers:

Docket No. 05060044 SW: 6.03.04 – Connectivity

To seek relief from providing stub streets to adjoining properties.

Docket No. 05060045 SW: 8.09.02 – Alternative Transportation

To seek relief from providing a pedestrian path along Ditch Road.

Docket No. 05060046 SW: 6.03.19 – Access to Arterials, Parkways, and Collectors

To seek relief from houses fronting collector streets/200 foot required separation from collector streets.

Docket No. 05060047 SW: 6.03.22 – Acceleration/Deceleration, and Passing Lanes

To seek relief from providing acceleration/deceleration and passing lanes.

Docket No. 05060048 SW: 8.09.02 – Private Streets

To allow the construction of private streets serving the entire subdivision.

Docket No. 05060049 SW: 8.09.02 – Cul de Sac Length

To allow cul de sacs to exceed 600 feet in length.

Docket No. 05060050 SW: 6.02.01 – Subdivision in Floodway/Plain

To allow subdivision of land within the floodway and floodplain.

The site is located at the SE corner of Ditch Road and W. 106th Street and is zoned S1/Residential.

Filed by Joseph Calderon of JBC1, LLC for JB Cohen

Joe Calderon, attorney with Bose McKinney & Evans, 600 East 96th Street appeared before the Commission representing the applicant. Also in attendance was Jeff Cohen, JB Cohen Realty, Developer.

Mr. Calderon reported that the Subdivision Committee reviewed the Primary Plat for Laurel Ridge on September 6, 2005. At that time, the accompanying waivers were also reviewed. Two of the waivers have been eliminated from consideration. As you may recall, this is a very low-density subdivision located at the southeast corner of 106th Street and Ditch Road—17 lots on 47 acres.

The petitioner has committed and now shows on the revised drawings that a pedestrian pathway will be incorporated along the frontage of both 106th Street and Ditch Road. South of the entry

point, on Ditch Road, there will be a 5-foot wide path as opposed to a 10-foot wide path. The petitioner is not seeking any waiver of alternative transportation—the full 10 feet will be installed all the way around 106th Street and the intersection south to Ditch road and three points. The other items discussed at length at Committee were the frontage road requirement and setback requirements.

The petitioner's vision is for a heavily landscaped area along the perimeter; there is also a wall feature with layers of landscaping and very nice, exclusive homes in the background that are set back to a point where it would avoid the concerns previously voiced regarding the possibility of exposed vinyl.

The petitioner has agreed to brick or stone or masonry wrap on any of the exterior lots as well as additional landscaping in the rear or side yards. Building pad locations were also shown on the plat; these indicate that none of the buildings will be in the floodway or floodplain area. The drainage has been discussed and concerns have been addressed at the intersection of Ditch Road and 106th Street. The drainage is being routed internally on the site to the south lake and into the existing storm infrastructure. The petitioner will actually be reducing the amount of flow from the west side of Ditch Road.

Mr. Calderon reported that the Committee approved all of the waivers and split-vote on the private streets. The private streets will be built to public standards and specifications. The gate is not a prominent feature of the subdivision. The gate is set back significantly from the road, well over 100 feet, and it will be landscaped significantly so that passers-by will not notice the gate as a prominent feature, rather it is a subtle feature. The petitioner has incorporated a full turn-around before arriving at the gate. Any traffic can safely re-enter onto Ditch Road. Accel and decel lanes have also been added for both approaching and departing traffic from the Subdivision.

The adjoining subdivision to the east, Laurelwood, is also a gated community. There is no barrier between the lots at Laurel Ridge and Laurelwood. Letters of support were submitted to the Plan Commission from the Laurelwood Homeowners Association.

Subdivision Report, Rick Ripma. Regarding the connectivity, the Committee did not feel that there was any good area to have the property connect because of the location of the Creek and because there is no connectivity to Laurelwood. It just did not make a lot of sense to require this community to connect to anything else.

Regarding access to arterials, parkways and collectors—the Committee felt comfortable with what was being done. The deceleration lanes have been provided.

The cul-de-sac length was agreeable to the Committee based on the size of the lots.

None of the homes will be in the Floodway/Plain. There is actually a 30 or 40 foot cliff down to the Creek and the Committee was comfortable with that.

The alternative transportation—the pedestrian paths—everything south of the entryway falls from the road. The rest of the area will contain the path, as required. The Committee was okay with the petitioner making a path a little more narrow, perhaps 6 feet. The petitioner agreed to do the path, but because of the layout of the land, the Committee felt comfortable with the Department working that out.

The real issue on the private streets is whether we want a gated community or not. One thing that did come out of the discussion is that there should be some direction on what is okay with a private street and gate and what is not. There needs to be something in writing—some sort of guideline on what can be gated.

The 2-2 vote came down to just the gate.

Department Report, Matt Griffin. The path south of Ditch Road is determined to be 5 feet. The Department is requesting that the additional path not be installed, the 5-foot width—and they would put a monetary value on that and make a contribution to the Engineering Department for the general fund to fund other paths. The private street issue and gate are somewhat connected. The street is not in the City jurisdiction and Hamilton County Engineering has said they have no problem with it. Obviously, the only reason for a private street is to put up a gate. Currently, there is no criteria in the Ordinance that can guide decisions as to when a gate is appropriate and when it is not. The Department is researching a set of guidelines for gate guidance; if streets do become public, what happens to the gate? At this time, there is no strong aversion to having a gate at this location.

Madeleine Torres asked if any information had been gleaned regarding the pedestrian that was along the front of Laurelwood,

Matt Griffin responded that the path had been removed and re-sod. This matter has been discussed with Code Enforcement and it is being worked on.

Mark Rattermann said he had a differing opinion regarding private streets. Citizens are really paying taxes twice for the maintenance—they are paying into a homeowners association to maintain the streets, and the gasoline taxes that would normally maintain those streets are not being used because the County cannot maintain them. It is an option—the developers like it because it gives an air of prestige to them and allows them to get more money for the lots.

Dan Dutcher presented his views on the gated community and what standards should be used in evaluating a request for a gated community. We are starting from an Ordinance that does not permit gates, so there should be some kind of foretelling information that a gate would be approved.

The question is, what are those compelling circumstances, what are those situations. The only other single family residential development where a gate has been approved was Pine Creek this last June. There are differing opinions and some other developments that have gates, notwithstanding Laurelwood. The final twist is that in the proposed annexation agreement with Clay Township, the “No Annexation” vote would give every subdivision a one-time opportunity to deal with a request for a gate.

Mark Ratterman commented that there should be a standard on this: maximum number of lots, connectivity, etc., and then maybe the Ordinance needs to be amended to allow these provisions.

Matt Griffin responded that the funds received from the State are based upon mile per mile of public right-of-way that the City is maintaining. Possibly, the City could assess an annual fee for private streets to offset the difference.

John Molitor commented that the Subdivision Control Ordinance allows two provisions for regulation. It is a variance type of process through the BZA. Essentially the Ordinance says that the variance would be granted only when the literal enforcement of the Ordinance would result in an unnecessary hardship. The burden of proof is on the petitioner to demonstrate the hardship.

Also, if we wanted to put into the Ordinance a particular standard on gates, this could be reviewed to see if the petitioner meets the option.

John Molitor recommended that the Commission separate the two waivers that are somewhat at issue before voting on the entire subdivision plat.

Jerry Chomanczuk said he shared the concerns voiced by Dan Dutcher regarding the gate situation. The recommendation from Counsel is welcome and viable.

Joe Calderon made the following commitment regarding **Docket No. 05060045 Subdivision Waiver, Alternative Transportation**: In consideration for waiving the width of the path from the south entry point to the south property line on Ditch Road, the petitioner will contribute the difference in the cost between the construction of a full 10-foot wide path and a 5 or 6-foot wide path to the City of Carmel, Dept of Engineering.

Mark Rattermann moved for approval of **Docket No. 05060043 PP, Laurel Ridge and Subdivision Waivers 05060044, 05060045, 05060046, 05060047, 05060049, and 05060050 (exclusive of Docket No. 05060048 SW, 8.09.02—Private Streets) with commitments as stated**, seconded by Rick Ripma, **APPROVED 8-0**.

Mark Rattermann moved for approval of **Docket No. 05060048 Subdivision Waiver, 8.09.02—Private Streets for Laurel Ridge**, seconded by Madeleine Torres. The vote was 5 in favor, 3 opposed (Chomanczuk, Dutcher, Heber). No Decision Vote.

Note: Docket No. 05060048 SW 8.09.02 Private Streets for Laurel Ridge will remain on the Agenda and the petitioner will return to the October Plan Commission meeting. No additional Public Notice Required.

Additional Note: The Department will review currently gated communities to determine if those Subdivisions were a package with a gate or if the gate was requested as an added feature after initial approval of the Subdivision.

6I. Docket No. 05060051 PP: The Retreat of West Clay Primary Plat

The applicant seeks approval of 32 lots on 23.49 acres:

The site is located near the NE corner of Little Eagle Creek Ave and W. 141st St. and is zoned S1/Residential

Filed by Jim Shinaver of Nelson and Frankenberger for Centex Homes.

CONTINUED TO OCTOBER 18, 2005

7I Docket No. 05060053 DP: Weston Pointe Retail Center

The applicant seeks approval for multiple commercial/retail buildings.

The site is located at 11055 N. Michigan Rd. and is zoned B-2/Business within the US 421 Overlay.

Filed by Ronald Bell of Williams Realty Group for PL Properties, LLC.

Ronald Bell, Williams Realty Group appeared before the Commission representing the applicant. The retail center has been approved for a 150,000 square-foot facility; the petitioner is building an 80,000 square-foot building on the site. There are three out-lots along US 421—the entire project lies within the US 421 Overlay.

The applicant is proposing the construction of a 28,000-square foot B-shop retail in the center of this site; a 7,000 square-foot office building in the northwest quadrant of the site, and a corporate headquarters building consisting of approximately 28,000 square feet adjacent to Weston Pointe Drive.

Special Studies Committee Report, Jerry Chomanczuk: The Committee reviewed this item and discussed access points, parking capacities, etc. Due to the lack of information for ADLS review, that element of the Docket remains at Special Studies Committee for further review. The Development Plan is a typical type of retail development expected in the Michigan corridor. There were no major points of conflict seen and no public remonstrance or comments were offered from the neighbors as has occurred in the past. The Committee would like to see more information for ADLS review, including the placement of the buildings along Michigan Road to ensure that the façade is positioned correctly. The Committee voted 4-0- to forward the Development Plan to the full Commission with a favorable recommendation.

Department Report, Matt Griffin: The Department has no outstanding comments or concerns on this particular project. The petitioner has done “due diligence” in addressing the Department’s comments and concerns. The Department is recommending approval conditioned upon recordation of two specific commitments and also with the understanding that the petitioner will be at the October 4, 2005 meeting of the Special Studies Committee for ADLS review and approval.

Mark Rattermann asked about the traffic light on Michigan Road and if they was being supported, even though City Council issued a Resolution saying “No more traffic lights on Michigan Road.”

Matt Griffin responded that the traffic light is within the jurisdiction of INDOT, and when it is warranted, it will be installed.

Mike Hollibaugh then addressed the Commission. The traffic light was discussed when the Pittman Rezone north of this location was approved by the Council. Originally, it wanted to occur at Bennett Parkway where the existing street and Church are today. The developers in the area could not get all of the players to agree to that location, so there was a connectivity plan developed with REI, Browning, Pittman, Christal DeHaan's ground to the south of Pittman's property. INDOT was consulted and worked with, and the consensus was that this is the one place that a signal would occur between 116th Street and 106th Street. That was all part of the discussion at the public level, Plan Commission and Council, approximately 3 years ago. It was all a part of the discussion at the time of the Pittman rezone where the townhomes are located.

Mark Rattermann said he was still concerned about the number of traffic lights on Michigan Road. Mr. Sharp would also not be happy with this. Mark Rattermann asked for a commitment from the Department that additional traffic lights on US 421 would not be supported. Mr. Rattermann was willing to bend on this one because it sounds like this is THE place for the traffic light. But, Mr. Rattermann said he would be very upset if there were a proposal for another light 500 feet north of this one. Perhaps we should make it an Ordinance rather than a Resolution regarding no more traffic lights on US 421.

Mike Hollibaugh said there was never intent to have more than one signal—that why this plan was developed. The Thoroughfare Plan shows one point of connectivity between 116th and 106th Streets and that is what we are working with. People also have to have a way to get out onto Michigan Road and there must be a way to control some of the traffic flow.

Mark Rattermann moved for approval of **Docket No. 05060053 DP, Weston Pointe Retail Center**, conditioned upon recordation of two commitments aforesaid and final ADLS review and approval at the October 4, 2005 Committee meeting, seconded by Dan Dutcher, **APPROVED 8-0**.

J. New Business:

1J. Docket No. 05090008 ADLS: Allen Office Building @ Weston Point Retail Center

The applicant seeks ADLS approval for a 4 tenant office building. The site is located at 11055 N. Michigan Rd. and is zoned B-2/Business within the U.S. 421 Overlay.

Filed by Nicolas Quintana of Sebree Architects for Williams Reality Group.

Ken Sebree, Sebree Architects, Avon, Indiana appeared before the Commission representing the applicant. Gordon Allen, Prudential-Allen Real Estate Group was also in attendance.

The Prudential-Allen Office building sits on a diagonal on the site. The site will be integrated and engineered within the Williams Realty Group Center. The 4-tenant building on the corner is thought to be appropriate for offices and complies with the intent of the US 421 Overlay Zone.

At this time, the applicant is requesting approval.

Department Report, Matt Griffin. This proposal is for one building within the Weston Pointe Retail Center. This is an individual proposal and not the same group of architects. The petitioner should be prepared to discuss the HVAC units and verify that they are screened from view on all sides. Also, the exterior in the elevation presented somewhat mimics a vertical change in materials—the Overlay requires that all change in materials happen on a horizontal level. The Department is recommend that this item be forwarded to the October 4th Special Studies Committee for further review.

Jerry Chomanczuk commented that the Committee would like to see the sign package as well as how this particular design in architecture will compare to the other buildings.

Ken Sebree responded that there have been some design changes to make the project as compatible as possible and still retain individual identity.

Docket No. 050900087 ADLS, Allen Office Building @ Weston Point Retail Center was forwarded to the **Special Studies Committee** for further review and final approval on October 4, 2005 in the Caucus Rooms of City Hall at 6:00 PM.

There was no further business to come before the Commission and the meeting was adjourned at 9:00 PM.

Leo Dierckman, President

Ramona Hancock, Secretary

Disposition: Forwarded to Special Studies Committee for further review and final approval on October 4, 2005 at 6:00 PM in the Caucus Rooms of City Hall.

K. Adjournment @ 9:00 PM